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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Greene *et al.*

Appl. No. 08/469,637

Filed: June 6, 1995

For: **HUMAN TUMOR NECROSIS FACTOR  
RECEPTOR**

Art Unit: 1812

Examiner: M. Pak

Atty. Docket: 1488.0710001/EKS/KRM

(please note new atty. docket no.)

**Declaration of Deposit**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

I, Robert H. Benson, Ph.D., Esq., declare as follows:

1. I have authority to act with regard to patent matters on behalf of Human Genome Sciences, Inc., the assignee of the above-captioned application by the assignments recorded in the U.S. Patent and Trademark Office at Reel 7917, Frame 0560 and Reel 7917, Frame 0523.

2. The cDNA clone (*i.e.*, DNA plasmid) referenced in the above-captioned patent application was deposited with the American Type Culture Collection (ATCC), 12301 Parklawn Drive, Rockville, Maryland 20852, U.S.A. on September 29, 1994, and assigned ATCC Designation Number 75899. A copy of the ATCC receipt document reciting the terms of the deposit, as well as a statement of viability, is attached hereto.

3. In accordance with the regulations set forth in 37 C.F.R. § 1.806, the deposit shall be maintained for a term of at least thirty (30) years and at least five (5) years after the most recent request for the furnishing of a sample of the deposited material.

4. All restrictions on the availability to the public of the deposited material will be irrevocably removed upon the granting of a patent arising from the present application.

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5. The deposit will be replaced should it become necessary due to inviability, contamination, or loss of capability to function described in the manner in the specification.

6. During the pendency of the patent application, access to the deposit will be afforded to one determined by the Commissioner to be entitled thereto under 37 C.F.R. § 1.14 and 35 U.S.C. § 122.

7. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

FOR: HUMAN GENOME SCIENCES, INC.

BY: Robert H. Benson  
Robert H. Benson, Ph.D., Esq.

TITLE: Vice President and General Counsel

DATE: May 13, 1997

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COPY

# American Type Culture Collection

12301 Parklawn Drive • Rockville, MD 20852 USA • Telephone: (301)231-5520 Telex: 890-055 ATCCNORTH • FAX: 301-770-3587

## BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE

### INTERNATIONAL FORM

#### RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT ISSUED PURSUANT TO RULE 7.3 AND VIABILITY STATEMENT ISSUED PURSUANT TO RULE 10.2

To: (Name and Address of Depositor or Attorney)

Human Genome Sciences, Inc.  
Attention: Craig A. Rosen, Ph.D.  
9620 Medical Center Drive  
Suite 300  
Rockville, MD 20850

Deposited on Behalf of: Human Genome Sciences, Inc.

Identification Reference by Depositor:

ATCC Designation

DNA Plasmid, 195,197

75899 Pf 172 Act. US

## REDACTED

The deposits were accompanied by: \_\_\_ a scientific description \_\_\_ a proposed taxonomic description indicated above.

The deposits were received September 29, 1994 by this International Depository Authority and have been accepted.

#### AT YOUR REQUEST:

☒ We will inform you of requests for the strains for 30 years.

The strains will be made available if a patent office signatory to the Budapest Treaty certifies one's right to receive, or if a U.S. Patent is issued citing the strains.

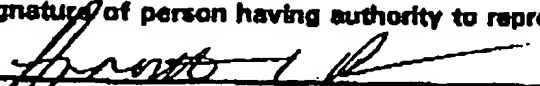
If the cultures should die or be destroyed during the effective term of the deposit, it shall be your responsibility to replace them with living cultures of the same.

The strains will be maintained for a period of at least 30 years after the date of deposit, and for a period of at least five years after the most recent request for a sample. The United States and many other countries are signatory to the Budapest Treaty.

The viability of the cultures cited above was tested October 7, 1994. On that date, the cultures were viable.

International Depository Authority: American Type Culture Collection, Rockville, Md. 20852 USA

Signature of person having authority to represent ATCC:

  
Annette L. Bede, Director, Patent Depository  
cc: Greg Ferraro

Date: October 11, 1994

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